

14A. EMERGENCY MANAGEMENT

14A.01. Statement of Legislative Purpose and Intent. Subdivision 1. Because of the existing and increasing possibility of the occurrence of disasters of major size and destructiveness, and in order to ensure that mitigation, preparedness, response and recovery actions taken by the City will be adequate to successfully manage such disasters, and generally to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of the City, it is hereby found and declared to be necessary:

- A. To establish a local emergency management program;
- B. To provide for the exercise of necessary powers during emergencies;
- C. To provide for the rendering of mutual aid between the City and other political subdivisions of any state in carrying out emergency management functions; and
- D. To provide a means by which the Mayor and Common Council may exercise the authority and discharge the responsibilities vested in them by this chapter and the Act.

Subd. 2. It is further declared to be the purpose of this chapter and the policy of the City that all emergency management functions of the City be coordinated to the maximum extent practicable with the comparable functions of the federal government, of state and local governments, and of private agencies of every type. This chapter seeks to make the most effective preparations and maximize the use of the City's personnel, resources and facilities in dealing with any disaster.

14A.02. Definitions. Subdivision 1. The following definitions apply to this chapter.

Subd. 2. "Act" means Minnesota Statutes, Chapter 12 as amended.

Subd. 3. "Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or human-made cause, including but not limited to, fire, flood, snowstorm, ice storm, tornado, windstorm, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, pandemic, air contamination, light, drought, infestation, explosion, or hostile military or paramilitary action, or similar occurrences resulting from terrorist activeness, riots, or civil disorders.

Subd. 4. "Regional Program Coordinator" or "RPC" means the Minnesota Department of Homeland Security District Emergency Management Coordinator. The RPC serves as liaison

between local emergency management programs and the Minnesota Homeland Security, emergency management division in all matters pertaining to the mitigation, preparedness, response and recovery of emergency and disaster situations.

Subd. 5. “Disaster Relief Force” means all agencies of Rochester government, private and volunteer personnel and equipment, public officers and employees, and all other persons or groups of persons or equipment identified in the Rochester Emergency Operations Plan as having duties to perform or those called into duty or working at the direction of a party identified in the plan to perform a specific disaster or emergency related task during a local state of emergency or disaster.

Subd. 6. “Emergency” means any situation confronting the City requiring emergency actions of a lesser nature than a disaster to include, but not limited to, civil disturbances, labor strikes, visits by national or international dignitaries, evacuations and build-up activities prior to an actual disaster.

Subd. 7. “Emergency Management Director” means the Fire Chief who is appointed by the Mayor, pursuant to Minnesota Statutes, Section 12.25, subd. 1, to coordinate all matters pertaining to emergency management within the City.

Subd. 8. “Emergency Management Deputy Director” means the person who assists in coordinating all matters pertaining to emergency management within the City and reports directly to the Emergency Management Director.

Subd. 9. “Emergency Management Program” means a program established to coordinate mitigation, preparedness, response and recovery activities for all emergency or disaster situations within a given geographic area made up of one or several political subdivisions. Such a program has an appointed Emergency Management Director and Deputy Director and meets the program standards and requirements as established by the State of Minnesota Department of Homeland Security.

Subd. 10. “State Duty Officer” means the Minnesota Duty Officer Program which provides a single answering point for local and state agencies to request state level assistance for emergencies, serious accidents or incidents, or for reporting hazardous materials and petroleum spills. The State Duty Officer is available 24 hours a day, seven days a week.

Subd. 11. “Emergency Operations Plan” means the plan developed and maintained by the City of Rochester for the purpose of responding to all emergency or disaster situations by identifying and organizing the disaster relief force.

Subd. 12. “Local State of Emergency” means a declaration by the Mayor pursuant to the act and this chapter which implements the response and recovery aspects of the City of Rochester emergency operations plan and authorizes certain actions as described in this chapter.

Subd. 13. “Vital Records” means those records that contain information needed to continue the effective functioning of the City of Rochester and departments and for the protection of the rights and interests of persons under emergency conditions in the event of an emergency or disaster

situation.

14A.03. Emergency Management Office; Emergency Management Director. Subdivision 1. There is established an office of emergency management within the Rochester Fire Department for the purpose of coordinating all emergency and disaster mitigation, preparedness, response and recovery activities within the City. It shall be staffed by an Deputy Director and such other assistants necessary for the proper functioning of the office. The Mayor shall appoint an Emergency Management Director who shall have responsibility for the organization, administration, and operation of the office, subject to the direction and control of the City Administrator and Council. The Emergency Management Director shall appoint a Deputy Emergency Management Director.

Subd 2. The Emergency Management Director shall also designate a minimum of two persons as successors to the position of Emergency Management Director. The line of succession shall be listed in the emergency operations plan.

14A.04. Emergency Management Director/Deputy Emergency Management Director Duties. Subdivision 1. The Emergency Management Director shall have the following duties:

- A. The Emergency Management Director shall act for and at the direction of the Mayor, City Administrator and Common Council in the coordination of activities during times of major emergencies and disasters. The Director shall also ensure that adequate backup personnel are trained to fulfill the role of the Deputy Director in the Director's absence.
- B. The Emergency Management Director assisted by the Emergency Management Deputy Director shall comply with the standards and requirements as established by the Department of Homeland Security, Emergency Management Division, under the authority of the Act in accomplishing the following:
 - (1) Direct and coordinate the development of the City of Rochester Emergency Operations Plan, which shall be consistent in content with the Minnesota Emergency Management Plan;
 - (2) Specify departments or agencies which must provide an annex to the plan or otherwise cooperate in its development;
 - (3) Identify departments and agencies to be included in the emergency operations plan as the disaster relief force;
 - (4) Coordinate the development and maintenance of a city resource manual;
 - (5) Coordinate the recruitment and utilization of volunteer personnel and agencies to augment city resources for emergency management purposes;

- (6) Assure the Emergency Management Program meets eligibility requirements for state and federal aid;
- (7) Coordinate and/or conduct training and exercise programs for the disaster relief force within the City and to test the adequacy of the Emergency Operations Plan;
- (8) Through public information programs, educate the population as to actions necessary for the protection of life and property in an emergency or disaster;
- (9) Assist in the development of mutual aid agreements, which may be reviewed by Common Council;
- (10) Oversee the implementation of all functions necessary during an emergency or disaster in accordance with the Emergency Operations Plan;
- (11) Coordinate city emergency management activities with those of the county, state and adjacent jurisdictions;
- (12) Coordinate all emergency preparedness activities, including maintaining primary and alternate emergency operations centers;
- (13) Identify mitigation opportunities within the City and encourage departments/agencies to implement mitigation measures; and,
- (14) Representation on local, regional and state planning entities. The Director, or his/her designee, shall represent the City on applicable local, regional and state planning committees, groups, boards and entities whose purpose is to plan, coordinate, integrate and implement homeland security and emergency management systems, activities and projects in the City or in geographical areas of the region or state that impact the City or require support by, or coordination with, City departments, organizations or citizens.

- C. The Emergency Management Director shall supervise the activities of the emergency management office on a continuous basis. With the advice and consent of the mayor, he/she shall formulate, review and approve policy and operational guidelines for this office as needed.
- D. Emergency Operations Center. Consistent with the emergency management plan, the Director shall provide and equip, at some suitable place in the City, an Emergency Operations Center and an auxiliary emergency operations center to be used during an emergency as

headquarters for direction and coordination of emergency forces. The Director shall arrange for representation at the Center by municipal departments and agencies, public utilities and other agencies or organization authorized by federal or state authority to carry on emergency management activities during a declared local emergency. The Director shall arrange for the installation at the Center of necessary facilities for communication with and between heads of emergency management divisions, the stations and operating units of municipal services and other agencies concerned with emergency management, and for communication with other communities and emergency operation centers or multi-agency coordination centers within the surrounding area and with federal or state agencies.

14A.05. Powers and Duties of Mayor. Subdivision 1. When necessary to prevent or respond to an emergency or disaster, and pursuant to the Act, the Mayor has the authority to declare a local emergency. A declared local emergency may not continue to more than three days except by or with the consent of the Common Council. A declaration must be given promptly to the Common Council, filed promptly with the City Clerk and given prompt general publicity.

Subd. 2. If the Mayor invokes such power and authority, he/she shall, as soon as reasonably expedient, convene the Common Council for one or more emergency meetings in accordance with the open meetings act to perform its normal legislative and administrative duties as the situation demands, and will report to that body relative to emergency activeness. Nothing in this ordinance shall be construed as abridging or curtailing the powers of the Common Council unless specifically provided herein.

Subd. 3. The Mayor may do one or more of the following powers under a local state of emergency:

- A. Direct the Emergency Management Director or Deputy Director to implement the Emergency Operations Plan;
- B. Issue directives as to travel restrictions on local roads within the City;
- C. Relieve City employees of normal duties and temporarily reassign them to other duties;
- D. Activate mutual aid agreements;
- E. Direct the overall disaster relief effort, including the disaster relief force, in accordance with the Emergency Operations Plan;
- F. Notify the public and recommend in-place shelter or evacuation protective measures;
- G. Request a state of disaster or emergency declaration from the governor as described in the Act; or

- H. When obtaining normal approvals would result in further injury or damage, the Mayor may, for a period of three days or until the Common Council convenes, whichever occurs first, waive procedures and formalities otherwise required pertaining to the following:
- (1) Send the disaster relief force and resources to the aid of other communities as provided by mutual aid agreements;
 - (2) Appropriate and expend funds;
 - (3) Obtain and distribute equipment, materials, and supplies for disaster purposes;
 - (4) Employ temporary workers;
 - (5) Purchase and distribute supplies, materials, and equipment; or
 - (6) Make, amend, or rescind rules necessary for emergency management purposes which supplement a rule, order or directive issued by the Governor or a state agency. Such a rule shall be temporary and, upon the Governor's declaration that a state of disaster or state of emergency is terminated, shall no longer be in effect.

Subd. 4. If a state of disaster or emergency is declared by the Governor, assign and make available for duty the employees, property, or equipment of the City within or without the physical limits of the city as ordered by the Governor or the director of the Minnesota Department of Homeland Security in accordance with the Act.

14A.06. Governor Declaration Request. If a disaster or emergency occurs that has not yet been declared to be a state of disaster or state of emergency by the Governor, and the Mayor determines that the situation is beyond the control of the municipality, he/she may request the Governor to declare that a state of disaster or state of emergency exists in the municipality. The Emergency Management Director shall immediately contact the State Duty Officer. The State Duty Officer and the RPC, in conjunction with the Emergency Management Director or Deputy Director, shall assess the nature and scope of disaster or emergency, and they shall recommend the state personnel, services, and equipment that will be required for its prevention, mitigation, or relief.

14A.07. Municipal Departments; Liaison; Duties. Subdivision 1. Each department or agency of City government identified by the Emergency Management Director shall appoint an emergency management liaison who shall coordinate the emergency management activities of the department or agency; act as a liaison between his/her department or agency and the Emergency Management Office on all matters pertaining to emergency management.

Subd. 2. Each department identified shall appoint a minimum of three people to serve as

successors in the event the emergency management liaison is not available or requires assistance. Successors shall be listed in the appropriate annex to the emergency operations plan.

Subd. 3. Each department liaison shall be responsible for the following:

- A. Prepare and continuously update an annex to the City of Rochester Emergency Operations Plan providing for the delivery of emergency management activities by that agency or department. The annex shall be in the form prescribed by the Emergency Management Director;
- B. Recruit, appoint, and organize private, volunteer and other personnel to be part of the disaster relief force to perform specific duties as assigned in the Emergency Operations Plan;
- C. Coordinate the agency's or departments emergency management efforts with those of other agencies;
- D. Attend training courses relevant to the function of the agency or department, and ensure staff is trained so as to be able to implement assigned emergency functions;
- E. Participate in periodic exercises to enhance the adequacy of the respective agency's or departments response capability;
- F. Develop internal standard operating guidelines to accomplish emergency notification and assigned emergency tasks;
- G. Provide the emergency management director with a list of personnel and resources available within the agency or department and provide a list of those which may be needed by the department during times of emergency;
- H. Identify and provide for the protection of vital records; and
- I. Implement the directives of the Mayor or his/her designee under a local state of emergency;

14A.08. Volunteers. Subdivision 1. Each municipal department, commission, board, or other agency of municipal government is authorized to appoint volunteers to augment its personnel in time of emergency to implement emergency functions assigned in the Emergency Operations Plan. Such individuals are part of the disaster relief force and shall be subject to the rules and operational control set forth by the respective department, commission, board, or agency through which the appointment was made, and may be reimbursed for all actual and necessary travel and subsistence expenses.

Subd. 2. Use of volunteers. Emergency management volunteers shall be called into

service in order to assist with emergency management activities, conduct public education and outreach authorized by the Director, and, in the case of a declared local emergency for which the regular municipal forces are inadequate, for necessary training and preparation for such emergencies. All volunteers shall serve without compensation.

Subd. 3. Identification of volunteers. Each emergency management volunteer shall be provided with such suitable insignia or other identification as may be required by the Director. No person other than an authorized volunteer shall use the identification of a volunteer or otherwise represent himself/herself to be an authorized volunteer.

14A.09. Rights of Disaster Relief Force. In accordance with the Act, personnel of the disaster relief force while on duty shall have the following rights:

- A. If they are employees of the municipality, or other governmental agency regardless of where serving, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment; and
- B. If they are not employees of the municipality or other governmental agency, be entitled to the same rights and immunities as are provided for by law.

14A.10. Temporary Seat of Government. The Mayor shall provide for the temporary movement and reestablishment of essential government offices in the event that existing facilities cannot be used.

14A.11. Liability. Subdivision 1. As provided for in the Act and this chapter, the municipality, or the agents or representatives of the municipality, shall not be liable for personal injury or property damage sustained by the disaster relief force. In addition, any member of the disaster relief force engaged in disaster relief activity shall not be liable in a civil action for damages resulting from an act or omission arising out of and in the course of the person's good faith rendering of that activity, unless the person's act or omission was the result of that person's gross negligence or willful misconduct. The right of a person to receive benefits or compensation to which he/she may otherwise be entitled to under the worker's compensation law, any pension law, or act of Congress will not be effected as a result of said activity.

Subd. 2. As provided for in the Act, any person owning or controlling real estate or other premises who voluntarily and without compensation grants the municipality the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons or for any other disaster related function during a declared local state of emergency or during an authorized practice disaster exercise, shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

Section 2. REPEAL. Chapter 14 of the Rochester Code of Ordinances is hereby repealed.

(3956, 2/1/10)